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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,570	11/10/2003	Daniel G. Giddings	TC408/410 CIP (24,954-122)	4241
32300	7590	02/12/2009	EXAMINER	
BRIGGS AND MORGAN P.A. 2200 IDS CENTER 80 SOUTH 8TH ST MINNEAPOLIS, MN 55402			HECKERT, JASON MARK	
			ART UNIT	PAPER NUMBER
			1792	
			MAIL DATE	DELIVERY MODE
			02/12/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/705,570	Applicant(s) GIDDINGS ET AL.	
	Examiner JASON HECKERT	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6,8-13,15,16,18-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-6,8-13,15,16,18-20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Due to the amendments to the claims, the previous rejections are rendered moot.
2. Applicant has amended independent claims 3, 5, 15, and 22 with language that further limits the apparatus to including a drip guard. Claim 9 has been amended to include language that teaches that two brushes are in contact with one another.
3. Drip guards, or doctoring blades as they are commonly known in the art, are not a novel feature. Examiner presents two new pieces of art that shows that such a blade or scraping mechanism can be oriented at an acute or obtuse angle in relation to the cleaning medium, thus directing material back onto the medium or elsewhere in the apparatus. Both orientations prevent dripping back on to carpet. (US Patent 4,845,794 to Korski et al. and 4,573,235 to Baird, Sr et al.)
4. Regarding claim 9, examiner feels that Postonen et al. teaches counter rotated brushes that are in contact with one another. As shown in figure 4, "brushes 101, 102 are mounted relatively close to each other so that the brushes on the whole touch each other, but they can also be situated at larger or smaller distance from each other." (col 5 lines 30-50).
5. Thus the proposed amendments are considered be obvious modifications that were known at the time of the invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-6, 8, 12-13, 15-16, 18, 20, 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in Japanese Patent Publication No. 50(1975)-94761 (Satoh) in view of Korski et al. (Korski) OR Baird, Sr. et al. (Baird). Satoh discloses a cleaning device for a floor surface, readable on carpet or fabric, wherein the device wets a portion of revolving cleaning medium 2 with nozzles 16, revolves the wetted portion into contact with an elongated port 5 in communication with a vacuum extractor 6, extracts soil and liquid from the previously wetted portion, then revolves said portion into contact with the surface, and finally wipes the surface with said portion. The steps are repeated. Soil and liquid are extracted prior to wetting said portion again. The elongated port 5 is parallel the axis of rotation of the medium. The axis of rotation is aligned in a direction generally transverse to an operation direction of the device movement across the surface. The machine is disclosed as moving, and therefore is propelled by some means. Satoh shows the vacuum extractor 6 being located very close to the medium 2. Satoh does not disclose a drip guard. Drip guards, or doctoring blades as they are commonly known, are conventional in the art to prevent excess fluid from falling off of the roller on which they are used. Korski shows a scraper 40 oriented to direct fluid on the medium for removal and not back onto the floor. Baird teaches a doctoring blade 102 for removing debris and fluid away from the floor. Those, it is known to include a drip guard in both acute and obtuse arrangements in relation to a cleaning medium in order to prevent fluid from falling. Thus, it would have been obvious at the time of

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invention to modify Satoh, and include a drip guard or doctoring blade, as shown by Korski or Baird, in order to prevent fluid from falling onto the surface of the floor.

8. Claim 9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Postonen. Satoh discloses a device with one medium and one extractor that achieves the method of the above claims, but does teach two of each. Postonen discloses the use of two brushes 101 and 102 that on the whole contact one another (col. 5 lines 30-50). The brushes are counter rotated (figure 4). Extraction port 120 comprises a pair of regions. Fluid is delivered at a top of the brush from pipe 150. It would have been obvious to one of ordinary skill at the time of invention to modify Satoh, and include two brushes that contact each other, as disclosed by Postonen, as the use of two brushes was conventional at the time of invention for cleaning larger surfaces.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Korski or Baird and further in view of Beauchamp or Hekman. The design of the vacuum port is not clear from the disclosure of Satoh. However, narrow elongated nozzles are well known in the art. Generally, a narrow opening causes a greater suction over the exposed surface. Both Beauchamp (figure 1) and Hekman (parts 56 and 114) disclose narrow apertures that are eventually in contact with a larger pipe leading to a vacuum source. This is well known in the art. It would have been obvious at the time of the invention to modify Satoh form the vacuum port with a narrow aperture, as taught by Hekman and Beauchamp, in order to extract soil.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON HECKERT whose telephone number is (571)272-2702. The examiner can normally be reached on Mon. to Friday, 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art
Unit 1792

JMH